

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

TORRANCE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013110447

ORDER GRANTING REQUEST FOR
CONTINUANCE FOR
APPROXIMATEY 90 DAYS,
DENYING REQUEST FOR FIVE
MONTH CONTINUANCE AND
SETTING
MEDIATION/PHC/HEARING

On December 2, 2013 the parties filed a joint continuance request on the ground that the resolution session was scheduled close to the current hearing date, and the parties wished to mediate prior to hearing. The parties requested hearing dates approximately months from the initial date without providing any rationale for such a lengthy continuance. Accordingly, the continuance will be granted, but not to the dates requested.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The request for a nearly five month continuance of the hearing, on the mere assertion that the parties wanted to mediate prior to hearing, is unreasonable, and is denied. This matter will be set as follows:

Mediation:	February 11, 2014 at 9:30 AM
Prehearing Conference:	February 24, 2014 at 1:00 PM
Due Process Hearing:	March 4-6, 2014 at 9:30 AM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 03, 2013

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings